

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Guenter HOELZEMANN et al.

Serial No.: 10/501,763

Group Art Unit: 1625

Filed: July 19, 2004

Examiner: CHANG, Celia C.

Title: PHENOXY-PIPERIDINES FOR THE TREATMENT OF DISEASES SUCH AS SCHIZOPHRENIA AND DEPRESSION

REPLY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

In response to the Office Action mailed on April 24, 2007, applicants elect with traverse Group I, claims 1-10 and 15-15 and 11-12 (in part), drawn to compounds, compositions and processes of making thereof. As a species applicants elect with traverse a compound of claim 6, i.e., N-[4-(1-benzylpiperidin-4-yloxy)phenyl]-C-phenylmethanesulfonamide. The traversal is on the grounds that the patent office has not established that it would pose an undue burden to examine the full scope of the claimed invention.

Additionally, applicants bring the attention of the Examiner to MPEP § 821.04, Rejoinder, which states that "if the elected invention is directed to the product and the claims directed to the product are subsequently found patentable, process claims [both process of making and using] which either depend from or include all the limitations of the allowable product will be rejoined." If the restriction requirement is maintained at this point, rejoinder of non-elected claims of group II is respectfully requested at the proper time in accord with the rejoinder provisions of the MPEP.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Csaba Henter/

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Attny. Docket No.: Merck-2903

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